



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

April 26, 2021

Dan McGrath
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: FOIA-2021-00984
DRH:AKT

Dear Dan McGrath:

While processing your Freedom of Information Act (FOIA) request dated March 1, 2021, seeking emails sent by Jordan Von Bokern with various terms since April 26, 2020, the Civil Division referred five pages to this Office for processing and direct response to you. The Civil Division number associated with this request is 145-FOI-17635, and this material was received by this Office on March 24, 2021.

I have determined that this material is appropriate for disclosure with withholdings made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute an unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552 (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with the initials "DR" written at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosure

From: [Von Bokern, Jordan L. \(CIV\)](#)
To: [Ricketts, Jennifer D \(CIV\)](#)
Subject: FW: From NBC Washington
Date: Wednesday, December 02, 2020 4:54:00 PM
Attachments: [Fwd Fact check and opportunity to comment from ProPublica.msg](#)
[image001.png](#)

Hi Jennifer,

I just wanted to make sure you saw this. NBC and ProPublica have both been working on stories about former political appointees who have been hired into career positions. (A friend of mine in the same situation got a similar inquiry from ProPublic today as well.) OPA is aware of it, and I don't think there's anything that needs to be done, but I wanted you to be aware that a story may be coming that mentions my being hired.

Thanks!
Jordan

Jordan L. Von Bokern
Trial Attorney
United States Department of Justice
Civil Division - Federal Programs Branch
1100 L Street NW
Washington, DC 20005

(b)(6)

From: Von Bokern, Jordan L. (CIV)
Sent: Wednesday, December 2, 2020 4:28 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Subject: RE: From NBC Washington

Hello Nicole,

Thanks for sending this to me. It looks like ProPublica is planning to do a similar story. I received the following communication from them just a few minutes ago. I am not planning to respond.

Thank you,
Jordan

Jordan L. Von Bokern
Trial Attorney
United States Department of Justice
Civil Division - Federal Programs Branch
1100 L Street NW
Washington, DC 20005

(b)(6)

From: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>

Sent: Tuesday, November 24, 2020 1:21 PM

To: Von Bokern, Jordan L. (CIV) (b)(6)

Subject: FW: From NBC Washington

Hi Jordan,
FYSA Please see below. Thank you

Nicole Navas Oxman
Senior Communications Advisor for International Law Enforcement/Spokesperson
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: Navas, Nicole (OPA)

Sent: Tuesday, November 24, 2020 1:11 PM

To: MacFarlane, Scott (NBCUniversal) <Scott.MacFarlane@nbcuni.com>

Cc: Leslie, Katie (NBCUniversal) <Katie.Leslie@nbcuni.com>; Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>

Subject: RE: From NBC Washington

Hi Scott,
Please attribute below responses to your questions to a senior Justice Department official.
thank you

1) Why is the agency transitioning Von Bokern to career service?

Answer: DOJ has not “transitioned” any political appointee into a career spot, including Mr. Von Borkern. Any political appointees who have been selected for career jobs applied for the positions pursuant to competitive vacancy announcements, were selected through a competitive process, and underwent the U.S. Department of Personnel Management’s “burrowing review” process. No political appointees were converted to career positions without OPM approval.

2) Why not use the traditional career civil service hiring system to fill said position?

Answer: We did, in every case.

3) What protocols/rules do your political employees undergo when transferring to non-political positions?

Answer: DOJ does not “transfer” political employees into career jobs without competition. See No. 1 above.

4) Anybody else, including any other political appointees at US DOJ HQ, who have transitioned to non-political positions in past year?

Answer: In the past year, DOJ has converted, after competition and OPM review, seven individuals holding political positions into career jobs. DOJ does not “transition” or transfer political appointees into career status jobs. Instead, individuals are free to apply to job announcements, and if selected based on their qualifications, must undergo the OPM burrowing review to ensure any selections are free of political influence or favoritism.

Nicole Navas Oxman
Senior Communications Advisor for International Law Enforcement/Spokesperson
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: MacFarlane, Scott (NBCUniversal) <Scott.MacFarlane@nbcuni.com>
Sent: Monday, November 23, 2020 2:57 PM
To: Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Cc: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Leslie, Katie (NBCUniversal) <Katie.Leslie@nbcuni.com>; Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Subject: From NBC Washington

Hey friends....

Good afternoon. NBC Washington is producing a report about federal political appointees who are being transitioned into NONPOLITICAL permanent positions at federal agencies.

We are including those in the ATTACHED report to Congress, including Jordan Von Bokern.

Can you tackle the questions below for a TUESDAY 3pm (eastern) deadline?

- 1) Why is the agency transitioning Von Bokern to career service?
- 2) Why not use the traditional career civil service hiring system to fill said position?
- 3) What protocols/rules do your political employees undergo when transferring to non-political positions?
- 4) Anybody else, including any other political appointees at US DOJ HQ, who have transitioned to non-political positions in past year?

My thanks and best wishes..

Scott MacFarlane

(b)(6)

Scott MacFarlane

WORKING 4 YOU - Reporter

202.885.4506 (b)(6) cell

scott.macfarlane@nbcuni.com

NBCWashington.com | Telemundo44.com



Follow me on Twitter at [@MacFarlaneNews](https://twitter.com/MacFarlaneNews)

From: [Jordan Von Bokern](#)
To: [Von Bokern, Jordan L. \(CIV\)](#)
Subject: Fwd: Fact check and opportunity to comment from ProPublica
Date: Wednesday, December 02, 2020 4:25:49 PM

----- Forwarded message -----

From: Lydia DePillis <Lydia.DePillis@propublica.org>
Date: Wed, Dec 2, 2020 at 4:00 PM
Subject: Fact check and opportunity to comment from ProPublica
To: (b)(6)

Dear Mr. von Bokern,

I'm a reporter with the non-profit news organization ProPublica, and I'm finishing up a story about the lists of political appointees whom the Office of Personnel Management has approved for new jobs in the civil service. I'm mentioning you in the story because you are among a few hires who were approved but stand out for their earlier partisan or ideological affiliations, and I wanted to run a few facts by you.

Is there anything incorrect about the following?

[Jordan von Bokern](#) clerked for Judge Amy Coney Barrett, recently named to the U.S. Supreme Court, before being appointed counsel in the DOJ's Office of Legal Policy, which directs initiatives such as coordinating judicial nominations with the White House. In April, he was converted into a career trial attorney.

Any other comments welcome. Happy to discuss on the phone if you prefer. My deadline is tomorrow, Thursday Dec. 3, at noon EST.

Many thanks,

Lydia

[Lydia DePillis](#)

Reporter, ProPublica

Cell/Signal: (b)(6)

Twitter: @lydiadepillis

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Jordan Von Bokern

(b)(6)